

## **REMARKS**

Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-5, 8-13, 15-18, 20, 21 and 25 are currently pending.
- Claim 22 is cancelled herein.
- Claims 1-5, 8, 11, 13, 15-17, 21 and 25 are amended herein.

### **Support for Amendments**

Support for the amendments to claims 1, 13, 21 and 25 is found in the specification, as originally filed, at least at page 15, lines 8-21.

The dependent claims were amended for clarity and in response to changes made in their corresponding independent claims.

The amendments submitted herein do not introduce any new matter.

### **Cited Documents**

The following documents have been applied to reject one or more claims of the Application:

- **Logan:** Logan et al., U.S. Patent Application Publication No. 2003/0093790
- **Safadi:** Safadi et al., U.S. Patent Application Publication No. 2001/0051037
- **Lees:** Lees et al., U.S. Patent No. 7,162,499
- **Knudson:** Knudson et al., U.S. Patent No. 6,536,041
- **Vasudevan:** Vasudevan et al., U.S. Patent No. 7,028,057
- **Dunstan:** Dunstan, U.S. Patent Application Publication No. 2004/0187151
- **Marsh:** Marsh et al., U.S. Patent Application Publication No. 2004/0003403

**Claims 1-5, 8-13, 15-18, 20, 21 and 25 Are Non-Obvious Over Logan and further in view of Safadi, Lees, Knudson, Marsh, Vasudevan and Dunstan**

Claims 1-5, 8-13, 15-18, 20, 21 and 25 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Logan and further in view of Safadi, Lees, Knudson, Marsh, Vasudevan and Dunstan. The Applicant respectfully requests reconsideration in light of the amendments presented herein.

**Independent Claim 1**

Claim 1, as amended herein, recites, in part (emphasis added):

displaying a listing of previously recorded programs and associated metadata, wherein a one of the previously recorded programs is the recorded program, and **wherein, due to the conflict, the listing includes a void**

Claim 1, as amended herein, recites aspects of metadata conflict resolution, and particularly how conflicts can be resolved in the displayed listing of programming. The amended portion of claim 1 recites that “due to the conflict, the listing includes a void.” Advantageously, the displayed listing removes ambiguity in the metadata displayed, thereby creating voids. Accordingly, the user is not confronted with conflicting metadata that is incorrect and/or inconsistent.

The amendment is new to the claims. Accordingly, the Office has not suggested that the subject matter of the amendment is disclosed by any document of record. However, the Office cited several documents, including Logan, Safadi, Lees, Knudson, Vasudevan, Dunstan and Marsh. The Office has generally suggested that the above-listed documents disclose aspects of electronic programming guides, databases, and/or

metadata. However, the Applicant respectfully submits that even combined, the above-listed documents do not teach or suggest the subject matter of the amendment to claim 1.

The Logan document was cited as allegedly disclosing screen layout displays illustrating a manner by which program segment guides are displayed (*e.g.*, at FIGS. 3-5 and associated text). The user is able to interactively control program segment playback as defined by playlist metadata. However, Logan fails to teach or suggest that “conflicts arising from the updating of the metadata are ignored, resulting in voids in the displayed listing,” as recited by claim 1, as amended.

The Safadi document was cited as allegedly disclosing the operation of a personal versatile (video) recorder. The Office suggests that Safadi discloses the update of metadata at paragraph 0061. However, nothing in Safadi teaches or suggests “due to the conflict, the listing includes a void,” as recited by claim 1, as amended.

The Lees document was cited as allegedly disclosing the use of timestamps to ascertain metadata age. However, nothing in Lees teaches or suggests “due to the conflict, the listing includes a void,” as recited by claim 1, as amended.

The Vasudevan document was cited as allegedly disclosing database merging operations, and the simultaneous showing of multiple versions of data. However, nothing in Vasudevan teaches or suggests “due to the conflict, the listing includes a void,” as recited by claim 1, as amended.

The Knudson document was cited as allegedly disclosing the use of a program guide system, wherein conflicting or more complete metadata are substituted for the

earlier metadata. For example, at column 18, lines 8-17, a sports score within the metadata is updated as it becomes more current. “At step 238, event update information may be provided to the program guide” (Knudson, column 18, lines 14-15). However, Knudson fails to teach or suggest that “due to the conflict, the listing includes a void,” as recited by claim 1, as amended.

The Dustan document was cited as allegedly disclosing the direct comparison of metadata and identification of changed elements (e.g., at paragraph 0026). However, Dustan fails to teach or suggest that “due to the conflict, the listing includes a void,” as recited by claim 1, as amended.

The Marsh document was cited as allegedly disclosing a system for provider trust ranking (e.g., at paragraph 0057). Such a system may be used to rank the providers of metadata based on a hierarchy of trust. However, Marsh fails to teach or suggest that “due to the conflict, the listing includes a void,” as recited by claim 1, as amended.

Consequently, even in combination, the documents cited by the Office, including Logan, Safadi, Lees, Knudson, Vasudevan, Dunstan and Marsh, do not teach or suggest that “due to the conflict, the listing includes a void,” as recited by claim 1, as amended.

Claim 1, as amended, recites elements not previously recited by any claim. Accordingly, the Office did not examine the subject matter of the amendment. However, for at least the reasons presented herein, the combination of Logan, Safadi, Lees, Knudson, Vasudevan, Dunstan and Marsh does not teach or suggest all of the features of claim 1. Accordingly, the Applicant respectfully requests that the Office withdraw the 103 rejection of claim 1.

### Dependent Claims 2-5 and 8-12

Claims 2-5 and 8-12 ultimately depend from independent claim 1. As discussed above, claim 1 is allowable over the cited documents. Therefore, claims 2-5 and 8-12 are also allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites.

Accordingly, Applicant respectfully requests that the Office withdraw the 103 rejection of claims 2-5 and 8-12.

### Independent Claim 13

Claim 13, as amended herein, recites, in part (emphasis added):

displaying a listing of previously recorded programs and associated metadata, wherein a one of the previously recorded programs is the recorded program, **wherein, due to the conflict, the listing includes a void**

Claim 13 has been amended in a manner similar to claim 1. Therefore, claim 13 is allowable for at least the reasons that claim 1 is allowable, and the remarks from above are incorporated herein by reference. Accordingly, and in view of the amendment, the Applicant asks that the Section 103 rejection be removed.

### Dependent Claims 15-18 and 20

Claims 15-18 and 20 ultimately depend from independent claim 13. As discussed above, claim 13 is allowable over the cited documents. Therefore, claims 15-18 and 20 are also allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites.

Accordingly, Applicant respectfully requests that the Office withdraw the 103 rejection of claims 15-18 and 20.

### Independent Claim 21

Claim 21, as amended herein, recites, in part (emphasis added):

determine whether other metadata associated with the content is available, wherein the other metadata comprises information generated after a broadcast of the content is completed, wherein the other metadata are saved on a client device, and wherein the other metadata comprise:

updated time periods associated with programs which were also recorded, and which are adjacent to the recorded live broadcast in the displayed listing, **wherein conflicts between the metadata associated with content and the other metadata associated with the content are ignored, resulting in voids in the listing of previously recorded programs**

Claim 21 has been amended in a manner similar to claim 1. Therefore, claim 21 is allowable for at least the reasons that claim 1 is allowable, and the remarks from above are incorporated herein by reference. Accordingly, and in view of the amendment, the Applicant asks that the Section 103 rejection be removed.

### Independent Claim 25

Claim 25, as amended herein, recites, in part (emphasis added):

update the recorded metadata with the updated metadata if the program details are different from the metadata associated with the broadcast content, wherein the updated metadata are saved on the storage device, and wherein the updated metadata comprise:

updated time periods associated with programs which were also recorded, and which are adjacent to the recorded broadcast content in the displayed listing, wherein conflicts **arising from the update of the recorded metadata are ignored, resulting in voids in the displayed listing**

Claim 25 has been amended in a manner similar to claim 1. Therefore, claim 25 is allowable for at least the reasons that claim 1 is allowable, and the remarks from above are incorporated herein by reference. Accordingly, and in view of the amendment, the Applicant asks that the Section 103 rejection be removed.

## **Conclusion**

For at least the foregoing reasons, all pending claims are in condition for allowance. The Applicant respectfully requests reconsideration and prompt issuance of the application.

The amendments and remarks presented herein are responsive to the new grounds of rejection, and therefore, could not have been presented earlier.

If any issues remain that would prevent allowance of this application, the **Applicant requests that the Examiner contact the undersigned representative before issuing a subsequent Action.**

Respectfully Submitted,

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